

**REMARKS/ARGUMENTS**

Favorable consideration of this application, as presently amended and in light of the following discussion, is respectfully requested.

Claims 1 and 5-10 are presently pending in this application, Claims 1 and 5-9 having been amended and Claim 10 having been newly added by the present amendment.

In the outstanding Office Action, Claims 1-4 were rejected under 35 U.S.C. §102(b) as being anticipated by or, in the alternative, under 35 U.S.C. §103(a) as obvious over JP 10-339136 (hereinafter “JP ‘136”); and Claims 1-4, 8 and 9 were rejected under 35 U.S.C. §102(b) as being anticipated by or, in the alternative, under 35 U.S.C. §103(a) as obvious over JP 61-043928 (hereinafter “JP ‘928”). However, Claims 5-7 were indicated as allowed.

First, Applicant acknowledges with appreciation the indication that Claims 5-7 have been allowed. In the present amendment, Claims 5-9 have been amended solely for clarification, and those amendments are not believed to alter the original scopes of these claims or their status.

Also, Claim 1 has been amended and Claim 10 has been newly added herein. These amendments and addition in the claims are believed to find support in the specification, claims and drawings as originally filed, and no new matter is believed to be added thereby. If, however, the Examiner disagrees, the Examiner is invited to telephone the undersigned who will be happy to work in a joint effort to derive mutually satisfactory claim language.

Before addressing the outstanding rejections based on the cited references, a brief review of Claim 1 as currently amended is believed to be helpful. Claim 1 is directed to a thermostat device and recites “a first valve disc for opening and closing a first fluid channel; a second valve disc for opening and closing a second fluid channel; and an operating member which operates in accordance with a temperature change of a fluid and in conjunction with the first and second valve discs to move integrally such that one of the first fluid channel and

second fluid channel is opened and the other one of the first fluid channel and second fluid channel is closed, wherein said operating member has a case which seals in one end side thereof a thermal expansion body having a property of expanding and contracting in accordance with a temperature change and a piston retained through an opening of the other end side thereof in a freely reciprocable manner, said first valve disc comprises an outward flange unit provided to the opening on the other end side of said case, and the outward flange unit is integrally formed in the case of said operating member.”

JP ‘136 and JP ‘928 are directed to thermostat devices. Nevertheless, neither JP ‘136 nor JP ‘928 teaches or suggests “*a first valve disc for opening and closing a first fluid channel ...; and an operating member which operates in accordance with a temperature change of a fluid and in conjunction with the first and second valve discs to move integrally such that one of the first fluid channel and second fluid channel is opened and the other one of the first fluid channel and second fluid channel is closed, wherein said operating member has a case which seals in one end side thereof a thermal expansion body having a property of expanding and contracting in accordance with a temperature change and a piston retained through an opening of the other end side thereof in a freely reciprocable manner, said first valve disc comprises an outward flange unit provided to the opening on the other end side of said case, and the outward flange unit is integrally formed in the case of said operating member*” as recited in amended Claim 1 (emphasis added in italic). On the other hand, JP ‘136 and JP ‘928 only show the valve member 31 and the main valve 9 attached to the wax case 35A and the body 11, respectively. As such, the valve member 31 and the main valve 9 must be assembled and fixed to the wax case 35A and the body 11. Therefore, the structure recited in amended Claim 1 is distinguishable from JP ‘136 and JP ‘928 and is not anticipated thereby. Furthermore, because neither JP ‘136 nor JP ‘928 discloses the case as recited in

amend Claim 1, their teachings even combined are not believed to render the structure recited in Claim 1 obvious.

Similar to what is recited in Claim 5, newly added Claim 10 recites “first valve means for opening and closing a first fluid channel ...; and an operating member which operates in accordance with a temperature change of a fluid and in conjunction with the first and second valve means to move integrally such that one of the first fluid channel and second fluid channel is opened and the other one of the first fluid channel and second fluid channel is closed, wherein said operating member has a case which seals in one end side thereof a thermal expansion body having a property of expanding and contracting in accordance with a temperature change and a piston retained through an opening of the other end side thereof in a freely reciprocable manner, the main frame has a cylindrical portion for retaining one end of the case of said operating member in a freely slidable manner, and said cylindrical portion has an opening to be opened and closed by the one end of said case” and is believed to be also distinguishable from JP ‘136 and JP ‘928.

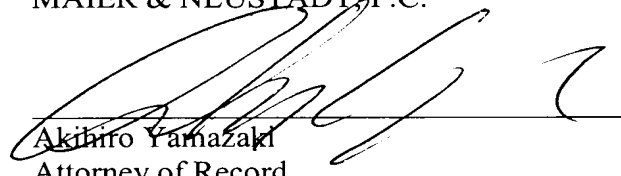
For the foregoing reasons, Claims 1 and 10 are believed to be allowable along with Claims 5-7. Furthermore, since Claims 8 and 9 depend directly or indirectly from Claim 1, substantially the same arguments set forth above also apply to these dependent claims. Hence, Claims 8 and 9 are believed to be allowable as well.

Finally, the specification has been amended to remove the references to the claims.

In light of the prior indication of allowable claims and in view of the amendments presented above, Applicant respectfully submits that the present application is in condition for allowance, and an early action favorable to that effect is earnestly solicited.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,  
MAIER & NEUSTADT, P.C.



Akihiro Yamazaki  
Attorney of Record  
Registration No. 46,155

Customer Number  
**22850**

Tel: (703) 413-3000  
Fax: (703) 413 -2220  
(OSMMN 08/07)

AY/mda  
I:\ATTY\AKY\26s\261277\261277US\_AME.DOC